

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
(Big Stone Gap Division)**

MELINDA SCOTT,

Plaintiff,

v.

WISE COUNTY DEPARTMENT OF
SOCIAL SERVICES, *et al.*,

Defendants.

Case No. 2:20-cv-00014-JPJ-PMS

**JOSHUA MOON’S OBJECTION TO
PLAINTIFF’S “SUPPLEMENTAL
EXHIBITS”**

NOW COMES Joshua Moon, by and through undersigned counsel, and objects to the Plaintiff’s “Supplemental Exhibits” filed at ECF No. 101. In support of this Objection, Mr. Moon states as follows:

- 1) To the extent that the arguments in the filing that accompanies the “Supplemental Exhibits” might be considered a supplemental brief or a sur-reply brief, such arguments were filed without leave of court and ought to be stricken from the record.
- 2) To the extent that the “Supplemental Exhibits” are intended to supplement a facially deficient motion for sanctions which the Plaintiff appears to have filed in bad faith, the underlying sanctions motion has already been fully briefed and should be denied for the reasons Mr. Moon has already stated at ECF No. 93 and elsewhere. This Court should further order Ms. Scott to show cause why she continues to engage in such inappropriate litigation conduct.
- 3) To the extent that the “Supplemental Exhibits” are not authenticated or in any way otherwise admissible as evidence in this matter, they ought not to be considered by the Court.

4) Assuming, *arguendo*, that this Court elects to consider the “Supplemental Exhibits” at all:

- a. To the extent that Ms. Scott makes the wild and unsourced claim that she does not have an outstanding judgment for sanctions in the Buchanan County General District Court, her own exhibits actually bolster Mr. Moon’s assertions and undermine the Plaintiff’s continued bad faith claims. Specifically, Ms. Scott claims that *Scott v. Appalachian Rental Solutions* is a case that resulted in dismissal. Indeed, Ms. Scott’s claims in that case were dismissed, as borne out by the certified and authenticated records submitted at ECF No. 99-3. However, the Buchanan County General District Court’s records make plain that contemporaneous to the dismissal of Ms. Scott’s claims, that court also issued sanctions against Ms. Scott for filing frivolous claims. Similarly, in this suit, Ms. Scott’s frivolous claims have all been dismissed, but Defendant Moon nevertheless seeks an award of his attorney’s fees and costs (just as the defendant in *Appalachian Rental Solutions* did in prior litigation). Dismissal of Ms. Scott’s affirmative claims in state court was not an elixir or talisman against sanctions in that litigation, in the same way that dismissal of her claims in this Court has not immunized her against an award of attorney’s fees or other sanctions for litigation misconduct in this matter.
- b. Ms. Scott’s remarkable claim that despite losing and having an award of sanctions entered against her in *Scott v. Appalachian Rental Solutions*, and despite unsuccessfully seeking to appeal and/or seeking mandamus against the

Buchanan County General District Court and its final judgment from almost every court imaginable,¹ that somehow the judgment against her is no longer in effect or has been withdrawn, only illustrates Ms. Scott's contempt and disregard for court orders. It also further illustrates why Mr. Moon should be awarded a pre-filing injunction to protect him from further bad faith filings. Ms. Scott's arguments are not only counterfactual, they are inconsistent with her own pleadings in this and other Courts and can only be seen as further *indicia* of the Plaintiff's rampant bad faith.

WHEREFORE, Mr. Moon objects to the filing of the "Supplemental Exhibits" filed at ECF No. 101.

Respectfully submitted this the 27th day of October, 2021,

JOSHUA MOON

By Counsel:

/s/Matthew D. Hardin
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¹ See, e.g., *Scott v. Appalachian Rental Solutions* (Buchanan Co. Circuit Court, Case No. CL 18-750), *Scott v. Lyall et al.* (Va. W.D. Case No. 2:17-cv-50), *In re Scott*, 719 Fed. Appx. 281 (4th Cir. 2018), and Ms. Scott's admissions in various of her recent filings in this case that she apparently also sought relief in the Virginia Court of Appeals.

Certificate of Service

I hereby certify that I will file a true and correct copy of the foregoing document with the Court's CM/ECF system, which will electronically serve counsel of record. I have also deposited a true and correct copy of the foregoing document into the U.S. Mail, with First Class postage prepaid, directed to:

Melinda Scott
2014PMB87
Post Office Box 1133
Richmond, VA 23218

Dated: October 27, 2021

/s/Matthew D. Hardin
Matthew D. Hardin
Counsel for Joshua Moon